

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Cherly K Jones,

Plaintiff,

v.

Wells Fargo Bank NA, et al.,

Defendants.

No. CV-23-01502-PHX-DJH

**ORDER**

This matter is before the Court on the Report and Recommendation (“R&R”) issued by United States Magistrate John Z. Boyle on November 1, 2023 (Doc. 23). In the R&R, Judge Boyle recommends rulings on four motions filed by Defendant Wells Fargo Bank NA (“Wells Fargo”), Defendant First American Title Company (“First American”), non-party Inland Empire Service Corporation (“Inland Empire”), and Plaintiff Cherly K Jones (“Plaintiff”), respectively.

Judge Boyle recommended the following:

- the Court should grant Wells Fargo’s Motion to Strike Affidavits of Service (Doc. 5) because Plaintiff’s attempts at service of process were deficient (Doc. 23 at 4–5);
- the Court should grant First American’s Motion to Quash (Doc. 11) because First American is a foreign insurer under Arizona State law and Plaintiff failed to serve First American through the Arizona Department of Insurance and Financial Institutions (Doc. 23 at 6–7);
- the Court should grant Inland Empire Service’s Motion to Quash (Doc. 14) because Inland Empire is not a party to this action (Doc. 23

1 at 7–8); and

- 2 - the Court should deny Plaintiff’s Motion to Remand to State Court  
3 (Doc. 10) because the Court has original jurisdiction over the present  
4 action (Doc. 23 at 8–10).

5 Judge Boyle further advised the parties that they had fourteen days to file objections and  
6 that the failure to file timely objections “may result in the acceptance of the Report and  
7 Recommendation by the District Court without further review.” (*Id.* at 12 citing *United*  
8 *States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

9 Because Plaintiff filed a “Motion to Show Cause” (Doc. 24) twelve days after Judge  
10 Boyle issued the R&R, the Court will construe the Motion as an Objection to the R&R.  
11 Nonetheless, the Court finds it has no independent obligation to engage in a *de novo* review  
12 of the R&R because nothing in Plaintiff’s Motion contains an objection to the findings in  
13 the R&R. Instead, Plaintiff merely reiterates the arguments she asserted in her Motion to  
14 Remand to State Court. (*Compare* Doc. 10 with Doc. 24). She does not object to any  
15 specific portion of Judge Boyles’ analysis or articulate what, if any, findings the Magistrate  
16 Judge did make as to her claims. So, the Court lacks any meaningful basis for review.

17 Plaintiff’s failure to identify any flaws in the legal analysis of the R&R has the same  
18 effect as a complete failure to object. *See Warling v. Ryan*, 2013 WL 5276367, at \*2 (D.  
19 Ariz. Sept. 19, 2013) (“Because *de novo* review of an entire R&R would defeat the  
20 efficiencies intended by Congress, a general objection ‘has the same effect as would a  
21 failure to object.’”) (quoting *Howard v. Sec’y of HHS*, 932 F.2d 505, 509 (6th Cir. 1991));  
22 *see also Haley v. Stewart*, 2006 WL 1980649, at \*2 (D. Ariz. July 6, 2006)). If this Court  
23 were to undertake *de novo* review of such generalized objections, it would defeat the  
24 “obvious purpose” of the specific objection requirement, which “is judicial economy—to  
25 permit magistrate judges to hear and resolve matters not objectionable to the parties.”  
26 *Warling*, 2013 WL 5276367, at \*2 (citing *Thomas v. Arn*, 474 U.S. 140, 149(1985); *United*  
27 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003)). In light of the foregoing, the Court  
28 has no obligation to review Plaintiff general objections to the R&R. *See id.* at \*2 (citing

1 Thomas, 474 U.S. 149).

2 Regardless of Plaintiff's deficient objection, the Court has reviewed the R&R and  
3 agrees with its findings and recommendations. The Court will therefore accept the R&R  
4 and adopt Judge Boyle's recommendations in all respects. *See* 28 U.S.C. § 636(b)(1)(C)  
5 ("A judge of the court may accept, reject, or modify, in whole or in part, the findings or  
6 recommendations made by the magistrate judge."); Fed. R. Civ. P. 72(b)(3) (same).

7 Accordingly,


8 **IT IS ORDERED** that Magistrate Judge Boyle's November 1, 2023, Report and  
9 Recommendation R&R (Doc. 23) is **accepted** and **adopted** as the order of this Court.  
10 Plaintiff's "Motion to Show Cause" (Doc. 24) is construed as an Objection to the R&R,  
11 and otherwise **overruled and denied**.

12 **IT IS ORDERED** that Defendant Wells Fargo's Motion to Strike Affidavits of  
13 Service (Doc. 5), Defendant First American's Motion to Quash (Doc. 11), and non-party  
14 Movant Inland Empire's Motion to Quash (Doc. 14) are **GRANTED**.

15 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Remand to State Court  
16 (Doc. 10) is **DENIED**.

17 **IT IS FINALLY ORDERED** that Plaintiff shall **show cause** why this matter  
18 should not be dismissed for failing to serve Defendants **no later than December 22, 2023**.  
19 Plaintiff may demonstrate how service has been made on named parties in accordance with  
20 the Federal Rules of Civil Procedure, or Plaintiff, after showing good cause, may request  
21 an extension of the deadline to properly serve Defendants.

22 Dated this 12th day of December, 2023.

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26 Honorable Diane J. Humetewa  
United States District Judge  
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